



CHARLOTTE

Nightclubs, Bars, Lounges and Restaurants

Citizens Advisory Group
September 10, 2013 Meeting

- **Welcome and Introductions**
- **Process Overview**
- **Public Outreach Update**
- **Review of Recommendations**
- **Next Steps/Adoption Schedule**





Nightclubs Bars and Restaurants Text Amendment Purpose & Goals

It has become increasingly difficult to determine differences between uses that primarily serve food and those that primarily serve alcoholic beverages but may also serve food and provide forms of entertainment.

Purpose and goals of this effort are to:

- Adequately define the uses
- Develop standards to minimize adverse impacts to nearby residential areas and,
- Provide more flexibility to businesses

Nightclub is defined as:

Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets.



Restaurant is defined as:

An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages.





- Started process in 2011 held 4 meetings then stopped due to revisions being made to the Noise Ordinance
- Reconvened group and held five CAG meetings since January 2013

Meeting #1: Project Overview and Issue Identification

Meeting #2: Community Survey, Issues, Solutions

Meeting #3: Opinion Polling and Discussion

Meeting #4: Draft Recommendations

Meeting #5: Draft Recommendations Discussion Cont.

- Meetings 1-3 averaged 100+ participants
- Meetings 4 & 5 averaged 15-20 participants



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Public Outreach Presentations

Date	Community Group/ Business Organization	Location
June 25, 2013	Neighborhood Advisory Council – Mecklenburg North Division	Assurance United Methodist Church - 9700 Mt Holly Huntersville Road
July 2, 2013	Elizabeth Community Group	St. John's Baptist Church – 300 Hawthorne Lane
July 23, 2013	Plaza Midwood	Petra's Piano Bar & Cabaret – 1919 Commonwealth Avenue
August 1, 2013	Plaza Shamrock	St. Luke's UMC – 2019 Shamrock Drive
August 8, 2013	Hickory Grove	Hickory Grove Recreation Center – 6709 Pence Road
August 13, 2013	Sedgefield/Park Road South	St. Paul UMC – 2830 Dorchester Place
August 15, 2013	Eastway Sheffield Neighborhood	Eastern Hills Baptist Church 4855 Albemarle Road
September 3, 2013	NoDa Community Meeting	Evening Muse - 3227 N Davidson Street



Public Outreach Scheduled Presentations

Date	Community Group/ Business Organization	Location
September 12, 2013	Bahama-Havana Park HOA	CMPD - 10430 Harris Oaks Blvd Suite R
September 14, 2013	Historic West End Neighborhood Assoc.	Old Fighting Back Building - 1705 Rosa Park Place



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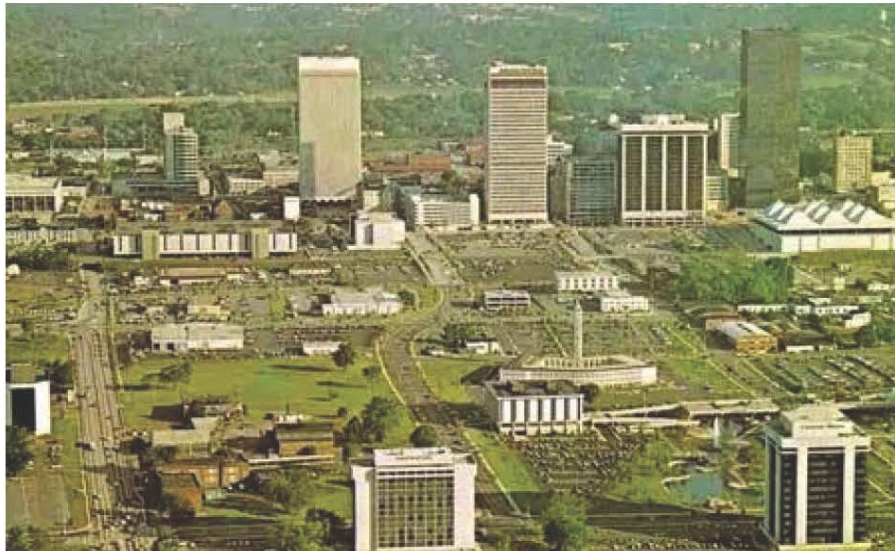
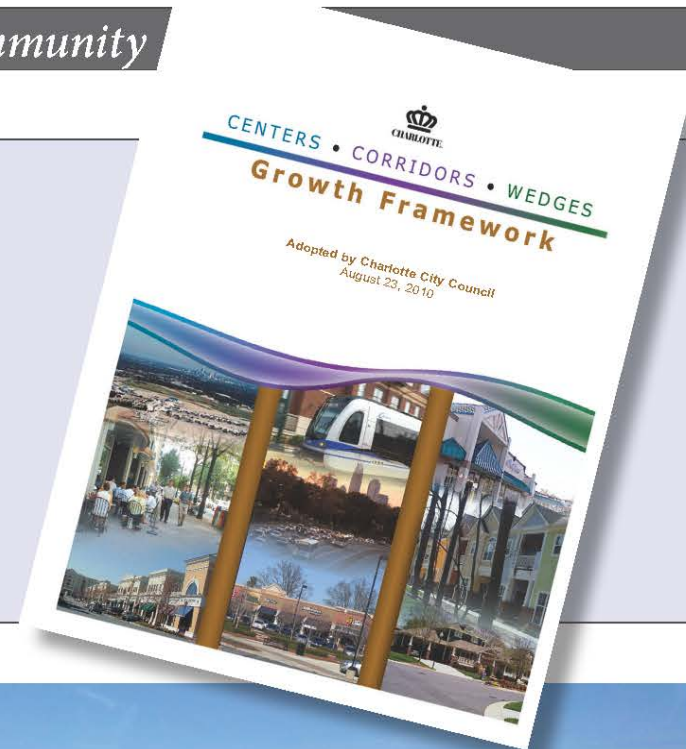
DRAFT RECOMMENDATIONS REVIEW

Centers, Corridors and Wedges Growth Framework

► *Envisioning a Vibrant, Well Planned and Livable Urban Community*

■ GOAL ■

Charlotte will continue to be one of the most livable cities in the country, with a vibrant economy, a thriving natural environment, a diverse population and a cosmopolitan outlook. Charlotteans will enjoy a range of choices for housing, transportation, education, entertainment and employment. Safe and attractive neighborhoods will continue to be central to the City's identity and citizen involvement key to its viability.



Charlotte's skyline today is representative of the vibrant development in all of Mecklenburg County.

Centers, Corridors and Wedges Framework

Guiding Principles



1. High-quality, context-sensitive community design
2. Protection of established neighborhoods
3. Residential opportunities to accommodate a diverse population in quality and livable neighborhoods
4. Diligent consideration of environmental benefits and impacts
5. A healthy and flourishing tree canopy
6. More walkable places with a variety of activities
7. A diverse, growing and adaptable economy
8. Revitalization of economically challenged business and residential areas
9. Enhanced transportation networks for pedestrians, cyclists, motorists, and transit users
10. Efficient and coordinated investment in infrastructure that keeps pace with existing and future development





Highlights of Proposed Changes

- **Creates new name for uses as Eating, Drinking, and Entertainment Establishments (EDEE)**
- **Creates two types of EDEE:**
 - **Type 1:** An establishment where food is prepared and beverages may be provided, excluding alcohol. Indoor and outdoor entertainment may be provided.
 - **Type 2:** An establishment where any alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment.



Highlights of Proposed Changes

- Defines Entertainment as any activity or game that is live, broadcast, or recorded, including, but not limited to, dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance.
- Defines Outdoor entertainment as any activity or game that is live, broadcast, or recorded, including dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance which occurs on the premises of, but outside, an EDEE. Entertainment occurs outdoors when it is outside a permanent enclosed area, contained by permanent walls and a permanent roof of the establishment.
- Defines Outdoor seating/activity area as any area outside the permanent building, including without limitation, patios, decks, rooftops, open areas, or parking lots where food or beverages are consumed or entertainment takes place.



Highlights of Proposed Changes

- Reduces the separation requirements for these uses by using proximity to a vacant lot or single family dwelling when either is located in a single family zoning district.
- Creates consistent separation distances for urban districts (MUDD, UMUD, PED, TOD and TS)



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SEPARATION

Highlights of Proposed Changes

OUTDOOR SEATING AND ACTIVITY AREA

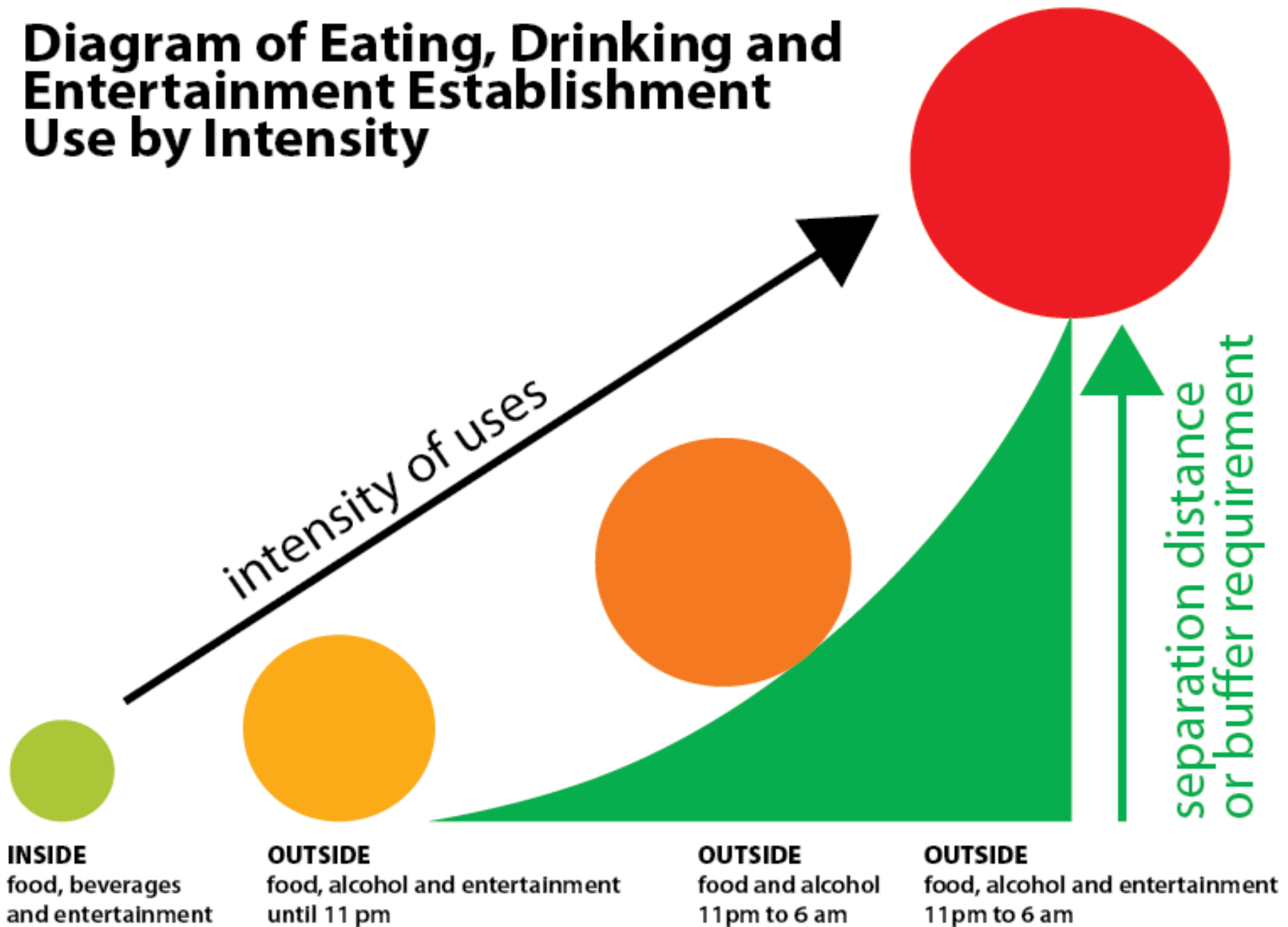
- **Outdoor Activity and Entertainment permitted in any Outdoor Seating/Activity Area outside the permanent building between the hours of 6am to 11pm.**
- **Outdoor Activity that includes the consumption of food and alcohol with no entertainment allowed 11pm to 6am under prescribed conditions.**

Highlights of Proposed Changes

ENTERTAINMENT

- **Entertainment Activity** permitted **inside and outside** the permanent building.
- Outdoor Activity and Entertainment permitted in any Outdoor Seating/Activity Area **outside** the permanent building between the hours of **6am to 11pm**.
- Outdoor Entertainment permitted in any Outdoor Seating/Activity Area **outside** the permanent building between the hours of **11pm to 6am under prescribed conditions**.

Diagram of Eating, Drinking and Entertainment Establishment Use by Intensity



100' Separation Distance for Outdoor Eating/Activity Area

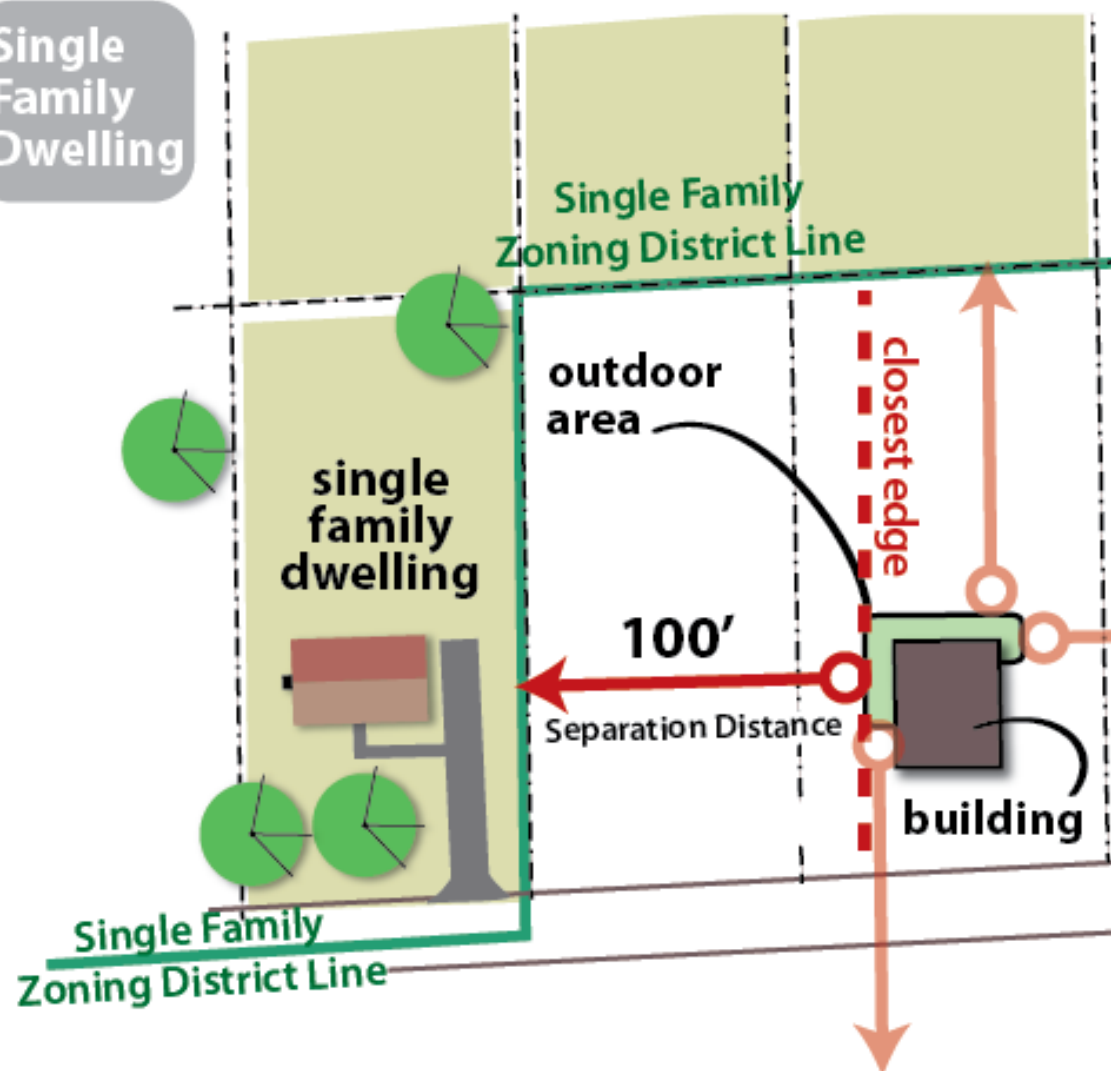
Type 2 (alcohol consumed)

11 pm to 6 am



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Single Family Dwelling



Measurement for separation distances are from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a single family dwelling when either is located in a single family zoning district.

applies to
Applicable Zoning Districts

100' Separation Distance for Outdoor Eating/Activity Area

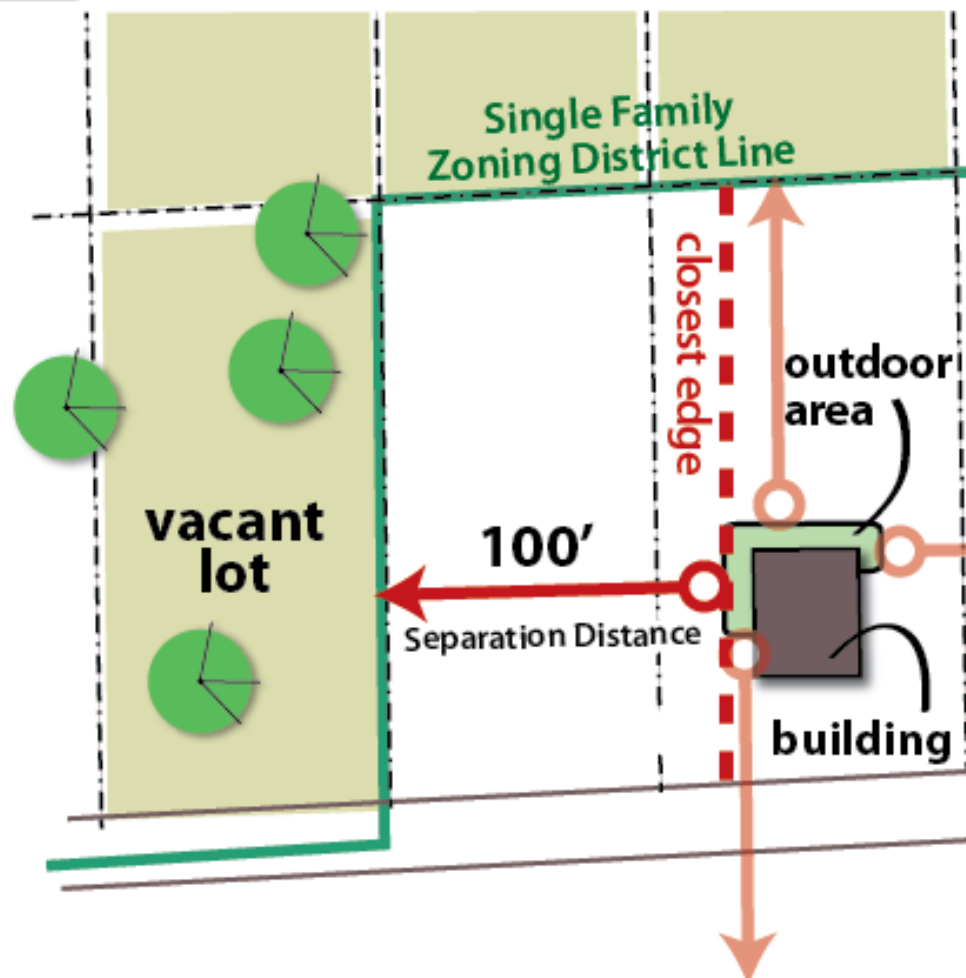
Type 2 (alcohol consumed)

11 pm to 6 am



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Vacant Lot



Measurement for separation distances are from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a single family dwelling when either is located in a single family zoning district.

applies to
Applicable Zoning Districts

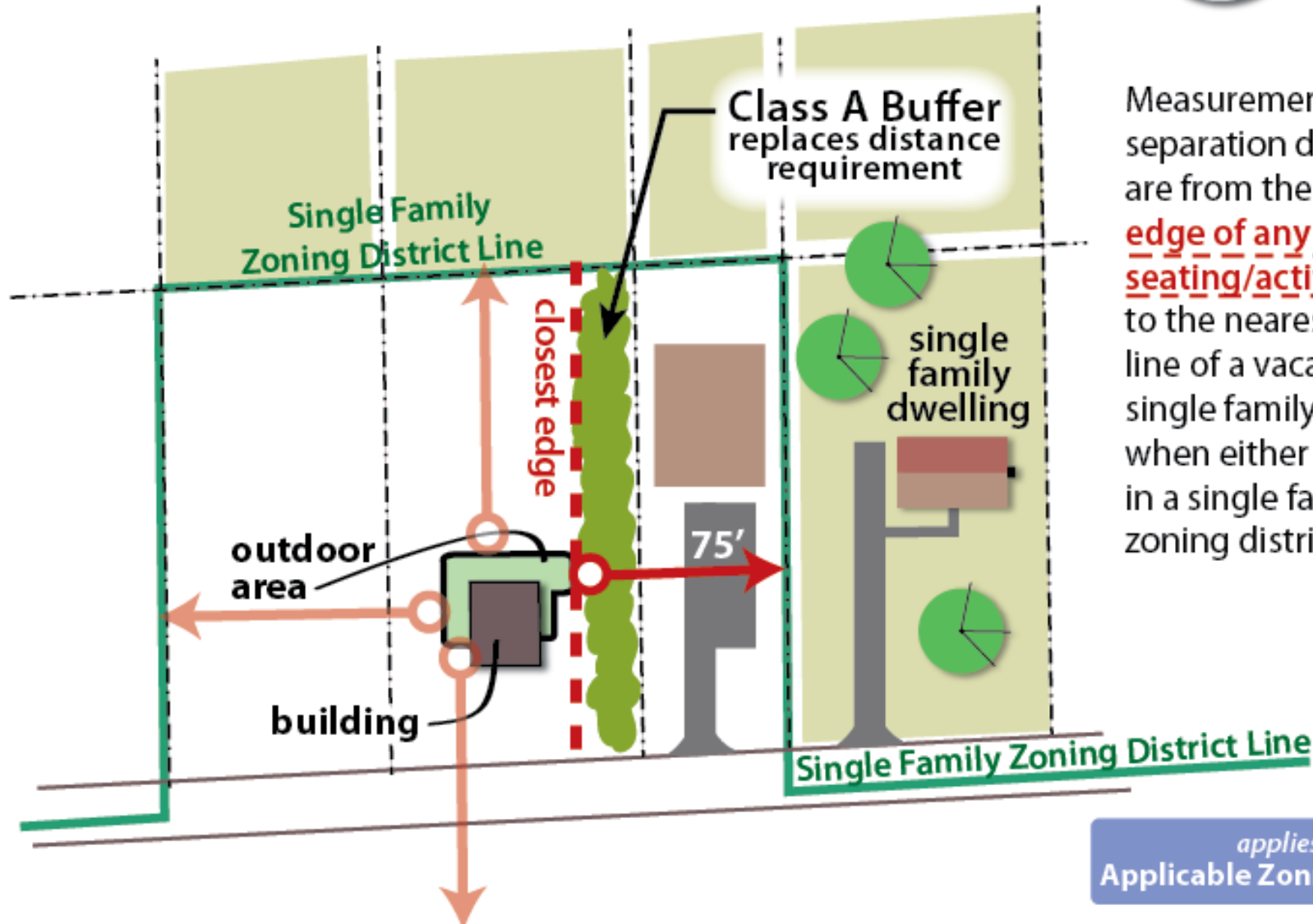
Buffer Required

when the 100' Separation Distance CANNOT BE MET for
Outdoor Eating/Activity Area - Type 2 (alcohol consumed)

11 pm to 6 am



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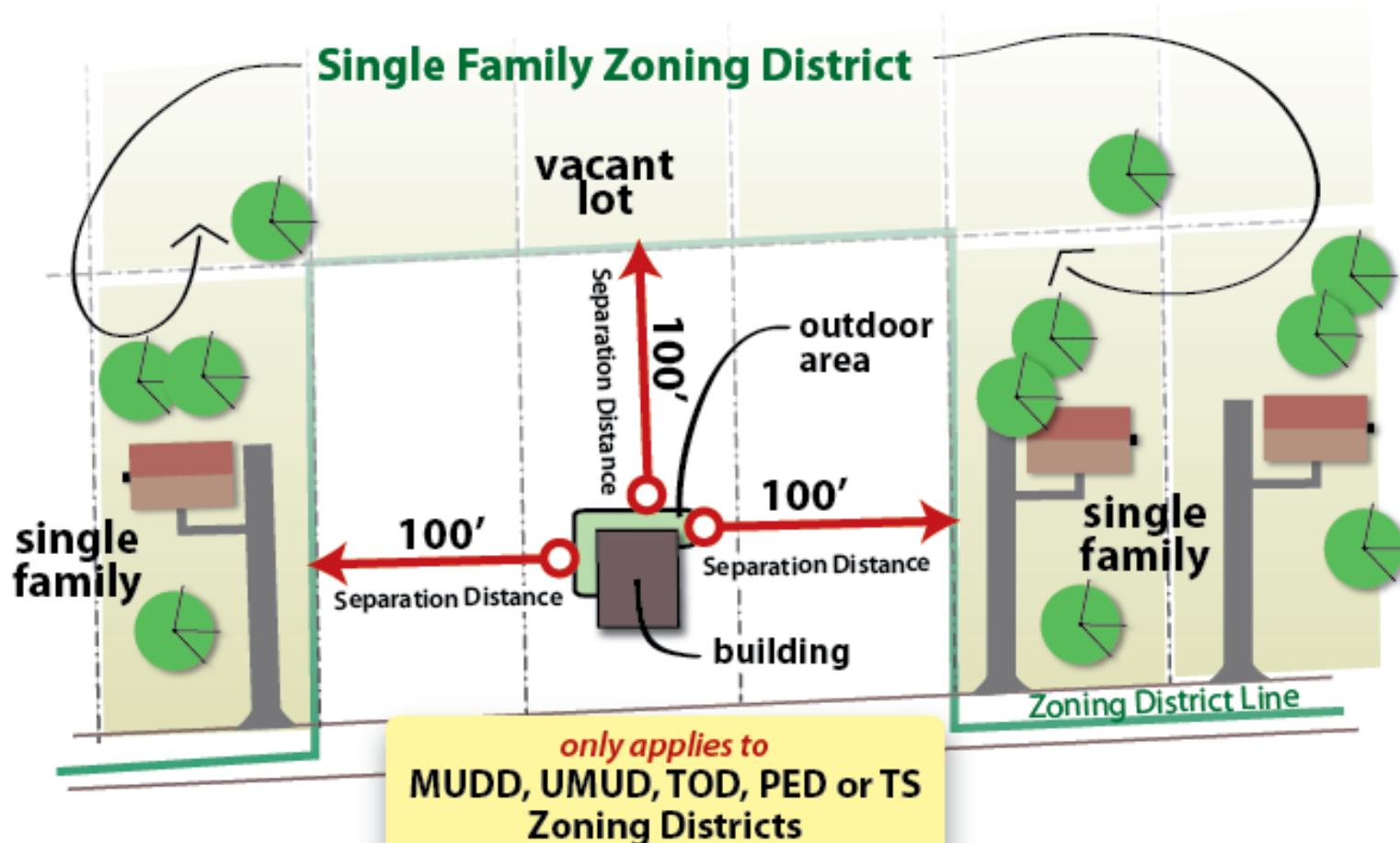
100' Separation Distance for Outdoor Entertainment

11 pm to 6 am



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Separation Distance is measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a single family dwelling when either is located in a single family zoning district.



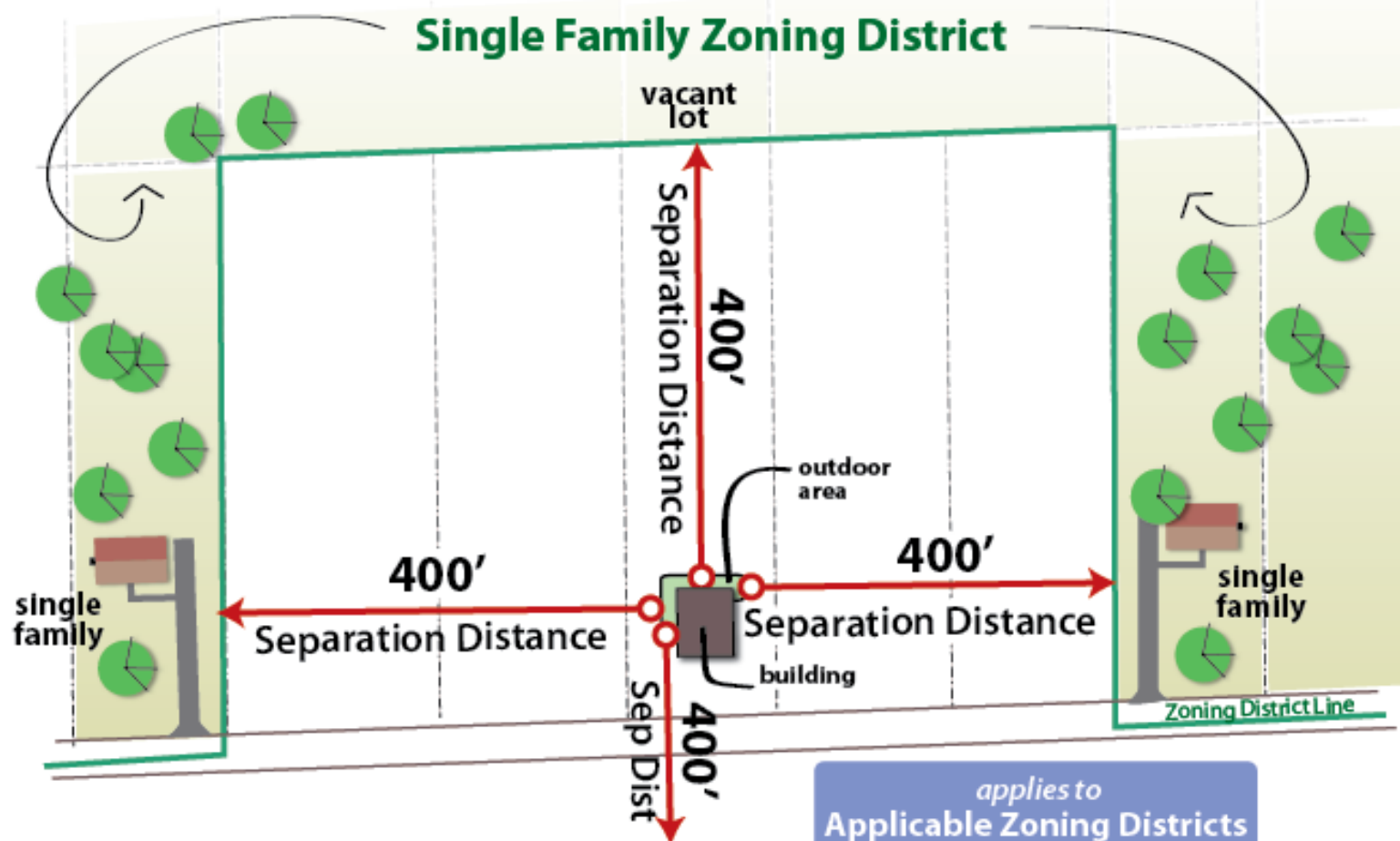
400' Separation Distance for Outdoor Entertainment

11 pm to 6 am



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Separation Distance is measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a single family dwelling when either is located in a single family zoning district.





CAG Issues and Concerns

May 30, 2013

1. Definition of Entertainment too broad

- Allow Unamplified Televisions & Music
- Staff is not recommending a change

2. No Separation

- Determine if there should be a separation if the activity is completely contained inside
- Staff is not recommending a change (no separation if there is no outdoor activity)

3. Impact on Existing Uses

- How to address if use can't meet proposed standards and how to continue to protect residential areas
- Staff is recommending the following



Recommendations

- Business establishments that would have met the definition of a Type 2 EDEE as of 1-1-13, and that have an outdoor seating/activity area located within the required separation distances required by this section, and that provide entertainment between the hours of 11 p.m. and 6:00 a.m., are exempt from meeting the separation distance requirement if either of the following apply to that business:
 - (a) An Eating, Drinking, and Entertainment Establishment abuts a public right-of-way that is 60' or greater in width.
 - (b) An existing commercial building (either on- or off-premise) is located between the outdoor seating/activity area, and a vacant lot or a single family dwelling use when either is located in a single family zoning district.



Recommendations

- The Planning Director, or her or his designee, is authorized to certify if a business is in compliance with Section 12.546(3) as of the applicable date and to establish the process and requirements of such certification. Businesses eligible for the exemption provided in Section 12.546(3) shall not expand the scope or location of outdoor entertainment provided on January 1, 2013 without prior authorization of the Planning Director or her or his designee.
- All other federal, state, and local regulations shall be met, including the development and urban design standards of the zoning district in which the use is located.
- Any use exempt under Section 12.546(3)(a) or (b) that is visibly discontinued for 12 consecutive months shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of these regulations.



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DISCUSSION



Revised Staff Recommendations

1. Definition of Entertainment too broad

- Allow Unamplified Televisions & Music
- Staff is not recommending a change

2. No Separation

- Determine if there should be a separation if the activity is completely contained inside
- Staff is not recommending a change (no separation if there is no outdoor activity)

3. Impact on Existing Uses

- How to address if use can't meet proposed standards and how to continue to protect residential areas
- Staff is recommending a change



- Continue Outreach Efforts
- Hearing date October 21, 2013
- Council Decision November 18, 2013





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QUESTIONS

